

**REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1 – 5 and 13 – 25 are currently pending in this application. Claims 1 – 5 and 13 – 20 have been amended. In the specification, the paragraph beginning at page 13, line 26 has been amended to conform to the amended claims. Applicant submits that no new matter has been introduced into the application by these amendments.

**Objections to the Drawings**

The Examiner objected to the drawings for failure to show the "side form support members releasably fixed relative to the supporting surface by a surface to member securing device fixed to the supporting surface and which engages the side form member," of claim 1. Claim 1 has been amended to recite "side form support member" which is shown in the Figures as designated by reference numeral 100.

The Examiner further objected to the drawings for failure to show "the securing device includes surface-to-member intermember securing device that secures two side form support members together by securing onto two separate surfaces as an underlying surface," of claim 5. Claim 5 has been amended to remove this limitation and instead recite, "the inter-member securing device comprises a surface-to-member inter-member securing device that secures two side

form support members together by engaging with the recessed channeled surface of each support member." This limitation is shown in the drawings and described in the specification at page 19, lines 7-9, and page 27, lines 8-22.

Accordingly, the withdrawal of the objections to the drawings is respectfully requested.

**Claim Rejections - 35 USC § 112, Second Paragraph**

Claims 1-6, 13-18 and 22-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the Examiner states that "The specification does not appear clear and complete as to a side form support members releasably fixed relative to the supporting surface and which also engages the side form member." Claim 1 has been amended to recite "each side form support member arranged such that it contacts and extends perpendicularly from the second side of the side form member that it supports and is releasably fixed relative to the supporting surface by a surface-to-member securing device fixed to the supporting surface and which engages the side form support member." This limitation is supported by the specification at page 11, lines 13-16, which states "At least one of the side form support members are held in a fixed position relative to

the supporting surface by one or more surface-to-member releasable securing devices fixed to the supporting surface and which engage the side form support member." Figure 4a of the drawings shows side form support members 55 releasably fixed relative to a supporting surface and perpendicular to the side form members 40, 41, 42, 43, 44, 45.

Claim 4 has been amended at lines 6-7 to make clear that the "inter-member securing device" forms a positive part of the claimed invention. "The supporting support member" has been amended to instead recite "the side form support member." Antecedent basis is provided for this limitation at line 4. Additionally, this claim has been amended to more clearly describe the formwork structure of claim 4. This limitation is supported by the specification at page 27, lines 8-22, and by the drawings at figure 18a.

Claim 5 has been amended to recite that the inter-member securing device "secures two side form support members together by engaging with a recessed channeled surface of each support member." This limitation is supported by the specification at page 12, lines 10-13 which states, "the channel (11) provides three surfaces (20, 22, 24) for possible engagement by a securing device (not shown). It is intended that the securing device may engage a portion of one or more of the surfaces."

Claim 13 has been amended to change "adjacent side form support member," to "an adjacent side form support member," to provide antecedent basis for this limitation.

Claim 18 has been amended to refer to only one side form-support member and one side-form member. Antecedent basis is provided for these limitations at lines 1 and 2, respectively, of claim 13, upon which claim 18 is dependent.

Regarding claim 25, this claim was previously amended to recite "The formwork structure of claim 24 further comprising *a* plurality of workmate surface-to-member securing devices and *a* plurality of member-to-member securing devices." Accordingly, the withdrawal of the § 112 rejection of claims 1-6, 13-18 and 22-25, is respectfully requested.

**Claim Rejections - 35 USC § 102(b)**

Claims 1-6, 13, 14, 17-19 and 22-25 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 5,332,191 to Nolan as well as WO 01/96690.

Nolan and WO '690 both fail to disclose that the side form support members are in contact with and extend perpendicularly to a second or supporting side of the side form member. As currently claimed in the independent claims: "each side form support member...contacts and extends perpendicularly from the second side of the side form member that it supports," (amended claim 1); "side form support

members...are each in contact with and extending at a right angle from the second side of the side form member that it supports," (amended claim 4); "the side form support member contacts and extends perpendicularly from the second side of the side form support member," (amended claim 13); "one or more side form support members that contact and extend perpendicularly from the support side," (amended claim 19).

Nolan discloses forms for making concrete slabs that include multiple sections, each having a body portion 14 and a fork joint extension 15 comprising tines 16, 17 for engaging an adjacent body portion 14. Applicant's claims 1, 4 and 13 define the "second side" of the side form member as that "opposite the first side," the first side being that with "faces the curable material." Nolan's tines are not in contact with the "second side" of the side form support member, as defined by claims 1, 4 and 13. Furthermore, Nolan's tines do not extend "perpendicularly from" or "at a right angle from" this side as required by Applicant's amended claims 1, 4, 13 and 19.

WO '690 discloses a formwork structure comprising side forms 18 that are arranged such that an end of the side form abuts the concrete side of an adjacent side form 18, as shown in figure 1. A first concrete panel is produced by pouring concrete into the formwork and allowing it to cure. Additional panels are made by removing the formwork and reassembling and attaching the formwork to the first

panel using an anchor bracket 60 such that a second panel can be formed on top of the first. While the side forms 18 themselves may therefore be said to be side form support members during production of the first concrete panel, they do not extend perpendicularly or at right angles from the second or supporting side of the support member, as recited in amended claims 1, 4, 13 and 19. Furthermore, during production of second and subsequent concrete panels, the side form members 18 are supported by an anchor bracket 60 and not the other side form members 18. The anchor brackets 60 do not meet the claim limitations because they do not contact and extend perpendicularly to a second or supporting side of the side form member 18.

Claims 1-6 and 13-25 were also rejected under 35 U.S.C. §102(b) as anticipated by U.S. 3,609,935 to Thomas.

Regarding claim 1, Thomas fails to disclose a side form support member "releasably fixed relative to the supporting surface such that it contacts and extends perpendicularly from the second side of the side form support member." Thomas discloses a formwork structure comprising side form members 38, 40, 42, 44 attached and supported by corner members 56 and reinforcement strongbacks 80 to form a pilaster retaining area. The formwork structure further comprises reinforcing bars 66, each being placed through a hole 54 in a side form member and extending across the pilaster retaining area and through a hole 54 in an

opposite side form member. The corner members 56 are fixed to a support surface, but do not extend perpendicularly to the side form members they support. The reinforcement strongbacks 80 extend parallel to the side form members and are not releasably fixed relative to a supporting surface. The reinforcing bars 66 extend perpendicular to the side form members, but are not releasably fixed relative to a support surface. None of these structures meet the limitations of claim 1.

Regarding claims 4, 13 and 19, Thomas fails to disclose that the side form support members each have a top supporting surface capable of supporting another side form support member. As recited in the amended claims: "each of the side form support members having a top support surface capable of supporting a second side form support member," (amended claim 4); "the side form support member having a top support surface capable of supporting another member," (amended claim 13); "the member having a top support surface capable of supporting another member," (amended claim 19). As shown in Applicant's figure 18a, the side form support members each have a flat upper surface having a large enough area to permit another identical side form support member to securely rest thereon, thus "supporting a second side form support member." The corner members 56 and reinforcement strongbacks 80 taught by Thomas have narrow upper surfaces with small areas that would not permit identical members to

securely rest thereon. The reinforcing bars 66 are cylindrical and thus do not have flat upper surfaces that would support identical reinforcing bars. Thomas therefore does not disclose side form support members that meet all limitations of Applicant's claims 4, 13 and 19.

Claims 2 and 3 are dependent from claim 1; claim 5 is dependent from claim 4; claims 14-18 and 23-25 are dependent from claim 13; and claims 20-22 are dependent from claim 19. These claims should therefore be similarly patentable.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-5 and 13-25 is respectfully requested.



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**Application No.:** 10/500,937


**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-5 and 13-25, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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